

REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register: 07 December 2000
Name of applicant/court: Secretary for Internal Affairs
Applicant to the Labelling Body: Not Applicable
Title of Publication: The Marshall Mathers LP
Other Known Titles: Eminem - The Marshall Mathers LP
Director: Not Applicable
Producer: Dr. Dre
Publisher: Not Applicable
Artist: Eminem
Format: Compact Disc Sound Recording
Country of Origin: USA
Language: English

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Components of film originally examined: Not Applicable.

Feature: Running time:
Trailers: Running time:
Total Running time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

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Classification Decision:

Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.

Display Conditions:

That when the publication is on display, the classification given to the publication must be shown on the publication or any package in which the publication is kept.

Descriptive Note:

Not Applicable.

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Direction to issue a label has been given on: Not Applicable.

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SUMMARY OF THE REASONS FOR DECISION:

The compact disc sound recording *The Marshall Mathers LP* is classified as:
Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.

The Marshall Mathers LP contains fourteen tracks in hip hop, or rap, style and four short "skits". The material is written and performed mainly by Eminem (Marshall Mathers) and produced by Dr. Dre. The complex lyrics use real people and situations to create mocking, often ironic narratives based on the artist's personal experiences as a rapper and the price of his sudden fame. On several tracks Eminem questions his responsibility as an artist for other people's actions, and delivers scathing criticisms of "Middle America", with special venom directed at parents.

The lyrics are frequently aggressively violent, misogynistic and homophobic. The album contains offensive language, including explicit sexual terms, and portrays drug use as an accepted part of a lifestyle. The major issues in the classification decision are whether the material promotes or supports the infliction of extreme violence or cruelty, and whether it encourages other criminal acts such as sexual violence and the use of illegal drugs.

The album can be distinguished from rap music in general in the high degree of irony and cartoon-like humour that is characteristic of Eminem's delivery. The Classification Office considers that the majority of listeners are capable of recognising that Eminem's lyrics are not intended to be taken literally. The Office has concluded that the publication does not promote or support, or tend to promote or support, the infliction of extreme violence or extreme cruelty. The weight of the evidence, including research and critical comment, suggests that *The Marshall Mathers LP* will not directly lead to an increase in the incidence of violent or destructive behaviour, although the lyrics' misogyny, homophobia and anti-authority stance may encourage attitudes that contribute to criminal activity. The track "Kim" raises particular concerns. However, the recording has to be considered as a whole. The Classification Office has no jurisdiction to remove individual tracks from the album.

The Classification Office acknowledges the genuine concern expressed by members of the public who have complained about the album's content. However, investigation has not revealed a high level of public agitation over the sale of the album and complaints have tended to focus on its availability to the young. The huge sales of the compact disc are confirmation of the artist's popularity and recognition of the artistic merit of the album. A much clearer indication of concern from the public of New Zealand is required in order for the Classification Office to ban the publication. Without this evidence, a finding of "objectionable" would be neither reasonable nor demonstrably justified in a free and democratic society.

Nevertheless, sufficient concern remains over the role of music in teenage culture and the influence of material such as Eminem's lyrics to suggest that a limitation on the availability of the album is required. The basis of its appeal to the young lies in its "anti-establishment" attitudes. Eminem, despite his rejection of the status, is a role model for his young audience. The danger exists that vulnerable and impressionable young people will take on board the misogyny and homophobia, the casual attitude to drug use, and the aggressively violent stance of the album, along with admiration for the artist. The classification limits the availability of the recording to adults, whose wider experience will allow recognition of mitigating factors such as the album's artistic merit and its tongue-in-cheek, often self-mocking black humour.

The right to the freedom of expression set out in s14 of the New Zealand Bill of Rights Act 1990 has been considered. The Classification Office is aware that the classification limits the right of teenagers to enjoy the music of their choice. However, this consideration has been weighed against the likelihood of injury to the public good should the publication be available to this younger age group. The classification imposed on the publication is reasonable, no more than is necessary to prevent injury to the public good, and is consistent with Parliament's intention to restrict publications whose availability is likely to create such injury.

OFLC Ref: 1281